

REMARKS

This response addresses the Office Action mailed on 09/05/03. Claims 6, 18, 20, and 22 have been canceled without prejudice. Claims 2-5, 7-11, 14-17, 19, 21, 23, and 24 have been amended. The amendments to Claims 5 and 15 are supported by the specification, such as, page 16, lines 15-20, page 9, lines 5-8, and FIG. 2B. The amendment to Claim 9 is supported by the specification, such as, page 19, lines 2-4. The numbered paragraphs below correspond to the Examiner's numbered paragraphs.

4. Claim 14 has been rejected under 35 U.S.C. §112, second paragraph, for lack of antecedent basis. Claim 14 has been amended and now is in a proper form. Withdrawal of the rejection is respectfully requested.

6. Claims 2-7, 9-18, and 20-24 have been rejected under 35 U.S.C. §102(e) as being anticipated by Harish et al. (U.S. Patent Application No. 2002/0122877 A1). Claims 6, 18, 20, and 22 have been canceled. Harish et al. teach stent coatings which can include a radiopaque substance (paragraph [0012]) such as Au (paragraph [0034]), and an optional topcoat layer (paragraph [0049]). The Examiner has asserted that the radiopaque substance meets the limitation "a light and/or UV-protective compound." It is clear from what is taught by Harish et al. that the radiopaque substance is present only in the drug-polymer layer and in no other part of the stent coating.

With regard to Claims 5 and 15, Harish et al. fail to teach the limitation "a light- and/or UV-protective compound included in the topcoat layer," as recited in Claims 5 and 15. Accordingly, Claims 5 and 15 are patentably allowable over Harish et al. Claims 2-4, 7, and 11 depend from Claim 5 and are patentably allowable for at least the same reason. Claims 16, 17,

21, 23, and 24 depend from Claim 15 and are patentably allowable for at least the same reason.

Withdrawal of the rejection is respectfully requested.

With regard to Claim 9, Harish et al. fail to teach the limitation “the mass ratio between the drug, the light- and/or UV-protective compound and the polymer is between about 1:1:2 and about 1:3:20,” as recited in Claim 9. Accordingly, Claim 9 is patentably allowable over Harish et al. Claims 10 and 14 have been amended to depend from Claim 9 and are patentably allowable for at least the same reason. Withdrawal of the rejection is respectfully requested.

7. Claims 8 and 19 have been placed in independent form. It is submitted that Claims 8 and 19 are allowable.

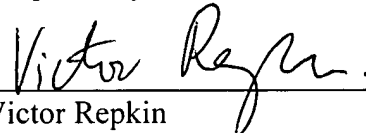
CONCLUSION

Claims 2-5, 7-11, 14-17, 19, 21, and 23-38 are pending in this application. Examination and allowance of the claims is respectfully requested. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned at (415) 954-0349.

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